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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,186	10/31/2000	Bhalchandra S. Pandit	MSI-611US	3152

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EXAMINER

DADA, BEEMNET W

ART UNIT PAPER NUMBER

2135

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/704,186

Applicant(s)

PANDIT ET AL.

Examiner

Beemnet W. Dada

Art Unit

2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2135

DETAILED ACTION

1. This office action is in reply to an amendment filed on June 22, 2004. Claims 1-40 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 8-13, 14-18, 23-30 and 38-40 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

4. Claims 8, 14, 23 and 38 are directed to a hashing method of generating plurality of sub-hash keys. The examiner respectfully asserts that the claimed method does not fall within the statutory classes listed in 35 USC 101. The claimed method is an abstract idea. Claims 8, 14, 23 and 38 are rejected as being non-functional descriptive material (i.e., abstract idea). Claims 9-13, 15-18, 24-30 and 39-40 depend on claim 8, 14, 23 and 38 and are rejected under the same rationale.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baclawski, US Patent 6,505,191 in view of Chen et al (hereinafter Chen), US Patent 5,852,821 and further in view of Applicant's Admitted Prior Art (hereinafter AAPA).

7. The rejection is being applied for the same reason as set forth in the previous Office action, pages 3-7, mailed April 22, 2004.

8. Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (hereinafter Chen), US Patent 5,852,821 and in view of Srinivasan et al (hereinafter Srinivasan) US Patent 5,852,822.

9. The rejection is being applied for the same reason as set forth in the previous Office action, pages 8-12, mailed April 22, 2004.

10. Claims 19-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter AAPA), in view of Chen et al (hereinafter Chen) US Patent 5,852,821 and further in view of Srinivasan et al (hereinafter Srinivasan) US Patent 5,852,821.

11. The rejection is being applied for the same reason as set forth in the previous Office action, pages 12-24, mailed April 22, 2004.

12. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chen et al (hereinafter Chen), US Patent 5,852,821.

13. The rejection is being applied for the same reason as set forth in the previous Office action, pages 25-26, mailed April 22, 2004.

Response to Arguments

14. Applicant's arguments filed June 22, 2004 have been fully considered but they are not persuasive. Applicant argues that there is no suggestion or motivation provided by any of the references or in the knowledge generally available to one of ordinary skill in the art to modify the reference to combine reference teachings and improper hindsight reconstruction is being relied on in the rejection and applicant's disclosure is being used as basis for modifying Baclawski. Applicant further argues that Baclawski does not disclose or suggest separating a hash key into a plurality of portions and Chen fails to teach combining the plurality of values to generate a hash result. Examiner disagrees.

15. Examiner would point out that in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Examiner would further point out that Baclawski teaches input value is separated into fragments and each of the fragments are hashed, as a means for indexing into plurality of sub-hashes [column 8, lines 4-9 and lines 61-67]. Furthermore, Chen teaches a method for matching input value with a target value wherein a

Art Unit: 2135

plurality of values are combined to generate a result [column 5, lines 21-30], wherein each bit in the result corresponds to one of a plurality of target values [column 6, lines 7-30]. Examiner asserts that the prior art on record teaches the claimed limitations and therefore the rejection is respectfully maintained.

Conclusion

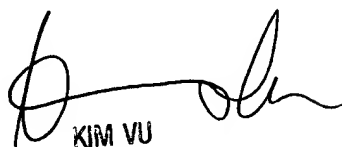
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beemnet W. Dada whose telephone number is (571) 272-3847. The examiner can normally be reached on Monday - Friday (9:00 am - 5:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Y. Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Beemnet Dada

November 26, 2005


KIM VU
EXAMINER
PATENT EXAMINER
TECHNOLOGY CENTER